

March 15, 2010

GLORIA L. FRANKLIN, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

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CASPER J. RANKIN (CA SBN 249196)
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Signed: March 15, 2010

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LESLIE TCHAIKOVSKY
U.S. Bankruptcy Judge

Attorneys for US BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR MASTR ASSET
BACKED SECURITIES TRUST 2006-NC1

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA - OAKLAND DIVISION

In re

WILLIAM EARL OVERTON, JR. AND
CHRISTINE REYES OVERTON,

Case No. 10-40213-LJT

Chapter 7

R.S. No. CJR-549

ORDER GRANTING MOTION FOR
RELIEF FROM AUTOMATIC STAY

DATE: March 5, 2010

TIME: 11:00 a.m.

CTRM: 201

Northern District of California - Oakland
Division

United States Bankruptcy Court
1300 Clay Street, Suite 300
Oakland, CA 94604-1426

Debtor(s).

The above-captioned matter came on for hearing on March 5, 2010 at 11:00 a.m. in courtroom 201, upon the Motion of US Bank National Association, as Trustee for MASTR Asset Backed Securities Trust 2006-NC1 ("Movant"), for relief from the automatic stay of 11 U.S.C. § 362, to enforce its interest in the property of William Earl Overton, Jr. and Christine Reyes Overton ("Debtors") commonly known as 8008 Kentshire Drive, Las Vegas, Nevada 89117 (the "Real Property"), which is legally described as follows:

1 LOT THIRTEEN (13) IN BLOCK "B" OF LEWIS HOMES –
2 CIMARRON VILLAGE NO. 3, AS SHOWN BY MAP
3 THEREOF ON FILE IN BOOK 61 OF PLATS, PAGE 78, IN
THE OFFICE OF THE COUNTY RECORDER OF CLARK
COUNTY, NEVADA.

4 Appearances as noted on the record.

5 Based on the arguments of counsel, and good cause appearing therefor,

6 IT IS HEREBY ORDERED:

7 1. The automatic stay of 11 U.S.C. § 362, is hereby terminated as it applies to the
8 enforcement by Movant of all of its rights in the Real Property under Note and Deed of Trust,
9 and pursuant to applicable state law;

10 2. Movant is authorized to foreclose its security interest in the Real Property under
11 the terms of the Note and Deed of Trust, and pursuant to applicable state law;

12 3. The 14-day stay provided by Bankruptcy Rule 4001 (a)(3) is waived;

13 4. Post-petition attorney's fees and costs for the within motion may be added to the
14 outstanding balance of the subject Note as allowed under applicable non-bankruptcy law;

15 5. Upon foreclosure, in the event Debtors fail to vacate the Real Property, Movant
16 may proceed in State Court for unlawful detainer pursuant to applicable state law;

17 6. Movant may offer and provide Debtors with information re: a potential
18 Forbearance Agreement, Loan Modification, Refinance Agreement, or other Loan Workout/Loss
19 Mitigation Agreement, and may enter into such agreement with Debtors. However, Movant may
20 not enforce, or threaten to enforce, any personal liability against Debtors if Debtors' personal
21 liability is discharged in this bankruptcy case; and

22 7. This Order shall be binding and effective despite any conversion of this
23 bankruptcy case to a case under any other chapter of Title 11 of the United States Code.

24
25
26 ** END OF ORDER **
27
28

COURT SERVICE LIST

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